

**M I N U T E S**  
**SANDY CITY COUNCIL MEETING**

Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**JANUARY 18, 2005**

Meeting was commenced at 7:02 p.m.

**PRESENT:**

**Council Members:** Chairman Scott Cowdell, Vice Chairman John Winder, Bryant Anderson, Don Pott, Linda Martinez-Saville, and Dennis Tenney

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; City Attorney Walter Miller; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Parks & Recreation Director Nancy Shay; Administrative Services Director Art Hunter; Assistant Administrative Services Director Scott Bond; Communications Director Ryan Mecham; Assistant CAO James Davidson; Assistant Director Community Development Nick Duerksen; Council Office Director Phil Glenn; Council Office Manager Naleen Wright

**ABSENT/EXCUSED:**

Councilman Steve Fairbanks (vacation)

**1. OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Councilman John Winder, and the Pledge was led by Parks & Recreation Director Nancy Shay.

**2. CITIZEN(S) COMMENTS:**

- a. Councilman John Winder announced that he was the proud grandfather of a brand new baby boy weighing in at a whopping 10 lbs. 11 oz.

**PUBLIC HEARING(S):**

**3. Open Sandy City Budget**

Public Hearing to open the Sandy City Budget to increase the total appropriations in the General Fund, Special Revenue Funds, Capital Projects Funds, and Debt Service Funds for Fiscal Year 2004-2005.

**DISCUSSION:** Assistant Director of Administrative Services Scott Bond outlined several funds transfers proposed for adoption this evening. (\*See Agenda items #7-11)

**4. Code Amendment: Sections 15-05-01 & 15-05-06- (Sexually Oriented Businesses)**

Public Hearing to consider a code amendment to Sections 15-05-01 (Permitted Land Use Matrix) and 15-05-06 (Sexually Oriented Businesses), to amend the Permitted Land Use Matrix which would regulate outcall services and nude and semi-nude dancing agencies.

**DISCUSSION:** City Attorney Wally Miller stated that he would be covering this public hearing, because Attorney Pat Casaday was called from the meeting on other business. Mr. Miller said he felt he would be able to respond to most of the Council's questions, but that he was not the attorney that did the legal work on preparing this ordinance.

Mr. Miller explained that at the request of the Council, the first SOB Ordinance (Sexually Oriented Businesses) was researched and compiled by outside legal counsel. Since the Council adopted that ordinance, it has come to the attention of the Sandy Attorney's Office that a code amendment to this ordinance was needed.

It is proposed to amend Sections 15-05-01 (Permitted Land Use Matrix) and 15-05-05 (Sexually Oriented businesses) of the City's Development Code, to amend the Permitted Land Use Matrix which would regulate outcall services and nude and semi-nude dancing agencies as an office, business use only within the PO, CC, BC, and CBD Zones. In addition, slight text modifications are proposed for Section 15-05-06.

**Planning Staff** recommend adoption of the proposed code amendment for the following reasons:

- 1) The proposed ordinance amendments are consistent with the Purpose of the Land Development Code, ie., #6 *"To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City."*
- 2) The proposed ordinance amendments are consistent with the goals and Policies of the General Plan, ie., *"The General Plan encourages proper assignment of land uses to appropriate zoning categories."*

It was noted that the Planning Commission (review held on December 16, 2004), forwarded a positive recommendation to the City Council to adopt the proposed code amendment.

The public hearing was opened and closed, as there were no comments.

**Council Discussion:**

**John Winder** posed some questions regarding where in each zone the proposed SOB ordinance would allow such businesses.

**Walter Miller** responded that he would have to get Attorney Pat Casaday to explain the matrix more fully. Mr. Miller stated that constitutionally, it is impossible to zone the City to prohibit such businesses. The matrix shows that there are four (4) different zones in which they can be allowed.

**Dennis Tenney** stated that he was in favor of tightening the ordinance to provide a safer community.

**MOTION:** **Bryant Anderson made the motion that documents be brought back to adopt a code amendment to Sections 15-05-01 (Permitted Land Use Matrix) and 15-05-06 (Sexually Oriented Businesses), to amend the Permitted Land Use Matrix which would regulate outcall services and nude and semi-nude dancing agencies.**

**SECOND:** **Linda Martinez-Saville**

**Question on the motion:**

**Dennis Tenney** asked that Staff be instructed to be present next week to explain the matrix prior to the Council adopting the amendment.

**VOTE:** **Anderson- Yes, Saville- Yes, Pott- Yes, Tenney- Yes,  
Fairbanks- Absent Winder- Yes, Cowdell- Yes**

**6 in favor, 1 absent**

**5. Sandy Boys and Girls Club  
Public Hearing for consideration of services rendered by the Sandy Boys and Girls Club with regard to a contribution to the Club.**

**DISCUSSION:** Council Office Director Phil Glenn reported that several years ago, the Council instructed City Staff to conduct a study to establish the value of services being provided by the Sandy City Boys and Girls Club, compared with costs which would be associated with other organizations working with the City, to provide such services. This study was called the Hillman Report. Currently, the City pays \$60,000 a year to the Sandy Boys & Girls Club in payment for the services they provide to the City. This amount covers only 60% of the Club's operating costs, and is well within the Short legislation requiring quid pro quo, given that 100% of the Club's services benefit the City.

Public Hearing was opened and closed, as there were no comments.

**VOTE:** **see #12**

**COUNCIL ITEMS:**

**6. Dan Jones 2004 Citizen Survey Results**

**DISCUSSION:** Pollster Dan Jones was hired by the City this past December to conduct a longitudinal study, (a study that takes place over a period of time). Mr. Jones has been conducting this study every year since 1995 (except for the year 1998), involving 500+ interviews with Sandy residents. This annual poll provides an excellent comparison, on a year versus year basis, for each of the questions posed in the poll.  
**(To view the results of the various questions posed by the poll See Exhibit "A")**

**Scott Cowdell** thanked Dan Jones and commented that he was pleased with the high ratings that Sandy's residents have given their City. He said, "This is a great City and a great place to live."

**7. Funds Transfer: Innkeeper Bonds/Park Project Bonds**

**Resolution #05- 10 C - increasing total appropriations within the Debt Service Funds.**

**DISCUSSION:** Assistant Director of Administrative Services **Scott Bond** explained that this particular funds transfer was to accommodate the transfer of funds due to the refinancing of the Innkeeper Bonds and Park Project Bonds within the Debt Service Funds.

**MOTION:** John Winder made the motion to adopt Resolution #05- 10 C - increasing total appropriations within the Debt Service Funds.

**SECOND:** Dennis Tenney

**VOTE:** Winder- Yes, Tenney- Yes, Pott- Yes, Fairbanks- Absent  
Saville- Yes, Anderson- Yes, Cowdell- Yes

**6 in favor, 1 absent**

**8. Funds Transfer: Well & Booster Security/Water Contaminate Detection (\$79,862)**

**Resolution #05-09 C - increasing total appropriations within the Water Fund.**

**DISCUSSION:** Scott Bond explained that this transfer included money from the Home Land Security Grant that will be used to provide security at well and booster sites, and to provide an in-line water contaminate detection system.

**MOTION:** Don Pott made the motion to adopt Resolution #05-09 C - increasing total appropriations (\$79,862) within the Water Fund.

**SECOND:** Dennis Tenney

**VOTE:** Pott- Yes, Tenney- Yes, Fairbanks- Absent  
Saville- Yes, Winder- Yes, Anderson- Yes, Cowdell- Yes

**6, in favor, 1 absent**

**9. Funds Transfer: Homeland Security Grant- Capital Projects (\$314,349)**

**Resolution #05-08 C - increasing total appropriations within the Capital Projects Fund.**

**DISCUSSION:** Scott Bond explained that this transfer also involved funds obtained from the Homeland Security Grant. The money will be used to provide security devices at City Hall, the Public Works building, the Court building, and for the Police Department.

**MOTION:** Dennis Tenney made the motion to adopt Resolution #05-08 C - increasing total appropriations (\$314,349) within the Capital Projects Fund.

**SECOND:** John Winder

**VOTE:** Tenney- Yes, Winder- Yes, Pott- Yes, Fairbanks- Absent  
Saville- Yes, Anderson- Yes, Cowdell- Yes

**6 in favor, 1 absent**

**10. Funds Transfer: Fleet Management Fund (\$141,000)**

**Resolution #05-12 C - increasing total appropriations within the Fleet Management Fund.**

**DISCUSSION:** Scott Bond explained that this funds transfer was to cover the increased costs of fuel and to purchase parts to refurbish the engines in two of our fire engines.

**MOTION:** Bryant Anderson made the motion to adopt Resolution #05-12 C - increasing total appropriations (\$141,000) within the Fleet Management Fund.

**SECOND:** John Winder

**VOTE:** Anderson- Yes, Winder- Yes, Pott- Yes, Tenney- Yes,  
Fairbanks- Absent, Saville- Yes, Cowdell- Yes

6 in favor, 1 absent

**11. Funds Transfer: Capital Projects Fund 94<sup>th</sup> So. 300-500 W. (\$52,812)**

**Resolution #05-11 C - increasing total appropriations within the Capital Projects Fund.**

**DISCUSSION:** Scott Bond indicated that this funds transfer was an increase of revenues collected from miscellaneous Developers Fees. This money is being transferred into the Capital Project Fund for a road project on 9400 South 300-500 West.

**MOTION:** Dennis Tenney made the motion to adopt Resolution #05-11 C - increasing total appropriations (\$52,812) within the Capital Projects Fund.

**SECOND:** Linda Martinez-Saville

**VOTE:** Tenney- Yes, Saville- Yes, Pott- Yes, Fairbanks- Absent  
Winder- Yes, Anderson- Yes, Cowdell- Yes

6 in favor, 1 absent

**12. Funds Transfer: General Fund/Sandy Boys & Girls Club (\$1,200)**

**MOTION:** Dennis Tenney made the motion to adopt Resolution #05-15 C - transferring (\$1,200) funds within the General Fund.

**SECOND:** Don Pott

**VOTE:** Tenney- Yes, Pott- Yes, Fairbanks- Absent  
\*Saville- Abstained, Winder- Yes, Anderson- Yes, Cowdell- Yes

6 in favor, 1 absent

\* Linda Martinez-Saville abstained from the vote as she is the Director of the Sandy Boys & Girls Club.

**13. Pocket Bike Regulations**

**Ordinance #05-02 - amending the revised ordinances of Sandy City by adopting a new Section 342 of the Sandy Traffic Code, "Low Profile Motorized Vehicles prohibited on Public Property."**

**DISCUSSION:** Police Chief Steve Chapman indicated that this ordinance was needed to regulate low profile motorized vehicles, including pocket bikes (under 36 inches in height) from being used on public streets or property. These low profile vehicles are extremely dangerous to both the rider and other vehicles because of their height and the subsequent lack of visibility.

Dennis Tenney asked if the ordinance prohibited the use of such vehicles on the sidewalk too.

Chief Chapman responded, "Yes."

**MOTION:** Dennis Tenney made the motion to adopt Ordinance #05-02 - amending the revised ordinances of Sandy City by adopting a new Section 342 of the Sandy Traffic Code, "Low Profile Motorized Vehicles prohibited on Public Property."

**SECOND:** John Winder

**VOTE:** Tenney- Yes, Winder- Yes, Pott- Yes, Fairbanks- Absent  
Saville- Yes, Anderson- Yes, Cowdell- Yes

6 in favor, 1 absent

**14. Interlocal Agreement: Metropolitan Water of Salt Lake & Sandy**

**Resolution #05-14 C- consideration of an Interlocal Cooperation Agreement between the Metropolitan Water Company of Salt Lake & Sandy and Salt Lake City Corporation and Sandy City Corporation, regarding acquisition of new water sources. (ULS Petition)**

**DISCUSSION:** Agenda items numbered 14 and 15 were explained to the Council during this evening's Planning Meeting.

**MOTION:** Don Pott made the motion to adopt Resolution #05-14 C- consideration of an Interlocal Cooperation Agreement between the Metropolitan Water Company of Salt

**SECOND:** Lake & Sandy and Salt Lake City Corporation and Sandy City Corporation,  
regarding acquisition of new water sources.  
**VOTE:** Bryant Anderson  
Pott- Yes, Anderson- Yes, Tenney- Yes, Fairbanks- Absent  
Saville- Yes, Winder- Yes, Cowdell- Yes

6 in favor, 1 absent

15. **Bureau of Reclamation 2025 Challenge Grant**  
**Resolution #05-13 C - regarding participation in funding for a Bureau of Reclamation 2025 Challenge Grant Project.**

**DISCUSSION:** Director of Public Utilities Shane Pace explained that the City has made an application to the United States Department of Interior, Bureau of Reclamation seeking funding from its 2025 Challenge Grant project. If we are successful in obtaining the 50-50 matching funds grant, the City would use the funding to make changes to the Bell Canyon Irrigation System Improvements project. This project would take Sandy's share of irrigation water out of the Bell Canyon Irrigation Company, and the water would then be piped to the Little Cottonwood Treatment plant.

Mr. Pace further explained that the City needs to do all it can to minimize the effects of removing our 58% share of water out of the Bell Canyon Irrigation system. We are currently in the process of preparing a change application, which must be approved and passed on to the State Engineer. Federal funding can be applied for to complete the project. We need to first, get approval from the water company; second, obtain the 2025 Challenge Grant. If we are not successful in getting a change application approved by Bell Canyon Irrigation and the State Engineer, we can refuse the 50-50 grant money.

**Bryant Anderson** asked for the location of where the piping route would run in the City.

**Shane Pace** responded from the Granite Divide to the Bell Canyon Aquaduct to Wasatch Boulevard to Creek Road and then to the Little Cottonwood Treatment Plant.

**John Winder** asked what the projected savings would be to the City.

**Shane Pace** said that estimates project that 330 acre-feet per year of water will be saved that is ordinarily lost to seepage and evaporation during the irrigation season, because the water will be piped and not run in a dirt ditch. Sandy City's annual water supply totals 34,000 acre-feet/year. Based on current ownership, Bell Canyon water will add an additional average of 900 acre feet/year to Sandy's water resources, or roughly three percent more per year.

**John Winder** asked if the water diversion would be taken in the summer or in the winter.

**Shane Pace** explained that it would depend on what was negotiated. We will be able to take water from North Dry Creek Irrigation during the winter, because we already have a contract.

**MOTION:** Don Pott made the motion to adopt Resolution #05-13 C - regarding participation in  
funding for a Bureau of Reclamation 2025 Challenge Grant Project.  
**SECOND:** Dennis Tenney  
**VOTE:** Pott- Yes, Tenney- Yes, Fairbanks- Absent  
Saville- Yes, Winder- Yes, Anderson- Yes, Cowdell- Yes

6 in favor, 1 absent

**MINUTES:**

16. **Approving the January 11, 2005 City Council Meeting Minutes.**

**MOTION:** Don Pott made the motion to adopt the January 11, 2005 City Council Meeting  
Minutes as amended.  
**SECOND:** Linda Martinez-Saville  
**VOTE:** The Council responded verbally in the affirmative to the motion.

**ALL IN FAVOR**

**17. MAYOR'S REPORT:**

- a. **Provided during Planning Meeting.**

**18. CAO'S REPORT:**

- a. **Provided during Planning Meeting.**

**19. COUNCIL OFFICE DIRECTOR'S REPORT:**

- a. **Provided during Planning Meeting.**

**20. OTHER COUNCIL BUSINESS:**

- a. **Linda Martinez-Saville** requested that Police Chief Chapman have his Staff generate an article for the Sandy City Newsletter regarding pocket bike regulations.
- b. **Bryant Anderson** reported that he attended a Sandy Pride Meeting this week. They are trying to identify homes that can be considered for projects for Sandy Pride Day. Mr. Anderson suggested establishing a committee that can screen all projects to narrow down the selection process.

**Scott Cowdell** stated that he would see to it that a committee is formed before Sandy Pride Day.

**Bryant Anderson** stated that the committee needs to get organized as soon as possible so we can begin the planning process.

**Scott Cowdell and Bryant Anderson** said they would be willing to serve on the committee.

**Phil Glenn** reported that he has already advertised for applicants for this committee, without any response.

**Mr. Cowdell** indicated that the Council Office would need to do further advertising.

**At approximately 8:17 p.m., Dennis Tenney made a motion to adjourn Council Meeting, motion seconded by Bryant Anderson.**

**The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.**

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**Scott L. Cowdell**  
**Council Chairman**

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**Naleen Wright**  
**Council Office Manager**

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